



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,117	06/13/2001	Johan Wanselin	003300-794	3882

7590

07/12/2005

Benton S. Duffett, Jr.
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

CHORBAJI, MONZER R

ART UNIT	PAPER NUMBER
----------	--------------

1744

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,117

Applicant(s)

WANSELIN ET AL.

Examiner

MONZER R. CHORBAJI

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This non-final action is in response to the RCE/Amendment received on 05/02/2005

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “releasably fastening means and the integrally inlet formed with the chamber” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected -drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Art Unit: 1744

3. The disclosure is objected to because of the following informalities: on page 6, numbered line 30, the specification teaches that 3C represents front and back surfaces provided with openings, which are the fastening portions; however, page 7, numbered line 12, the specification teaches that 3C refers to a pair of parallel tracks. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 1744

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-2, 5-6, 11-13, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faddis (U.S.P.N. 5,266,275) in view of Spence (U.S.P.N. 4,919,888).

With respect to claim 1, the Faddis reference discloses a sterilization system (figure 1: 10) including the following: a sterilization chamber (figure 1: 35) that is releasably fastened (col.5, lines 61-68 and col.6, lines 1-7) within the sterilization device (figure 1: 18), the sterilization chamber (figure 1: 35) contains an inlet integrally formed with the chamber (col.5, lines 64-65) for connection to a sterilant source from the sterilization device and the interior of the sterilization chamber is capable of being pressurized during the sterilization process so as to define a sealed pressure chamber (col.6, lines 46-55). However, the Faddis reference fails to teach that the sterilization chamber being essentially manufactured from a polymeric material. The Spence reference, which is in the art of steam sterilization, teaches that the sterilization chamber has a self-supported structure being essentially made of a polymeric material (col.4, lines 30-36). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sterilization chamber of the Faddis reference by substituting a self-supported polymeric chamber for a stainless steel chamber as taught by the Spence reference since such materials are not adversely affected by the sterilant or by the sterilization conditions (col.4, lines 30-33).

With respect to claim 11, the Faddis reference discloses a sterilization chamber (figure 1: 35) that is releasably mountable (col.5, lines 61-68 and col.6, lines 1-7) in the sterilization device (figure 1: 18).

With respect to claims 2, 5-6 and 12, the Faddis reference fails to teach the following: chamber is manufactured from an injection-mouldable material, injection-mouldable material essentially is a polyamide material, chamber is manufactured from a composite material and chamber is essentially manufactured in one continuous piece. The Spence reference teaches the following: chamber is manufactured from an injection-mouldable material (col.4, lines 36-37 and line 31), injection-mouldable material essentially is a polyamide material (col.4, lines 36-37 and line 31), chamber is manufactured from a composite material (col.4, line 31) and chamber is essentially manufactured in one continuous piece (col.4, lines 35-37). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sterilization chamber of the Faddis reference by substituting an injection-mouldable polyamide material for manufacturing the sterilization chamber as taught by the Spence reference for stainless steel material since such material is not adversely affected by the sterilant or by the sterilization conditions (col.4, lines 30-33).

With respect to claims 13, 15 and 19, the Faddis reference teaches the following: inlets and outlets for moisture are integrally formed with the chamber (figure 5: 50 and 51), a sterilization process is intended to be performed in the sterilization chamber (col.5, lines 61-63) and the sterilization chamber (figure 1: 35) is releasably mountable (col.5, lines 61-68 and col.6, lines 1-7) in the sterilization device (figure 1: 18).

8. Claims 3-4, 7-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faddis (U.S.P.N. 5,266,275) in view of Spence (U.S.P.N. 4,919,888) as applied to claims 2 and 6 and further in view of Quehl (U.S.P.N. 4,165,404).

With respect to claims 3-4, 7 and 9, the Faddis reference and the Spence reference both fail to teach the following: the use of a reinforcement material such as rowing weave, the use of carbon fiber, a concatenating polymer material such as an epoxy material and the use of a glass fiber rowing weave. However, with regard to claims 3-4, 7 and 9, the Quehl reference teaches the following: the use of a reinforcement material such as rowing weave (col.2, lines 11-14 and line 45) arranged around the injection mouldable material (col.7, lines 24-27 and lines 48-50), and the use of carbon fiber (col.2, line 44) and a concatenating polymer material such as an epoxy material (col.6, lines 10-12), the use of glass fiber (col.2, line 44) and a concatenating polymer material (col.6, lines 10-12). Thus, it would have been obvious to one having ordinary skill in the art to modify the chamber of the Faddis reference to include glass or carbon fibers because of their desirable physical properties as shown in the Quehl reference (col.2, lines 47-48).

With respect to claims 8 and 16-18, the Faddis reference and the Spence reference fail to teach the following: the use of a reinforcement material such as rowing weave, the use of carbon fiber and a concatenating polymer material such as an epoxy material. With regard to claims 8 and 16-18, the Quehl reference teaches the following: the use of a reinforcement material such as rowing weave (col.2, lines 11-14 and line 45) arranged around the injection mouldable material (col.7, lines 24-27 and lines 48-

Art Unit: 1744

50), the use of carbon fiber (col.2, line 44) and a concatenating polymer material such as an epoxy material (col.6, lines 10-12), the use of glass fiber (col.2, line 44) and a concatenating polymer material (col.6, lines 10-12). Thus, it would have been obvious to one having ordinary skill in the art to modify the chamber of the Faddis reference to include glass or carbon fibers because of their desirable physical properties as shown in the Quehl reference (col.2, lines 47-48).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faddis (U.S.P.N. 5,266,275) in view of Spence (U.S.P.N. 4,919,888) and Quehl (U.S.P.N. 4,165,404) as applied to claim 9 and further in view of Leimbacher et al (U.S.P.N. 5,837,181).

With respect to claim 10, the Faddis reference, the Spence reference and the Quehl reference all fail to teach the use of specific types of concatenating polymers as recited in the claim. However, the Limbacher reference teaches the use of polyvinyl alcohol fibers (col.5, lines 25-26). Thus, it would have been obvious to one having ordinary skill in the art to modify the sterilization chamber of the Faddis reference to include polyvinyl alcohol since such a fiber is known to have a high modulus as taught by the Limbacher reference (col.5, lines 25-26).

10. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faddis (U.S.P.N. 5,266,275) in view of Spence (U.S.P.N. 4,919,888) as applied to claims 12 and 13 and further in view of Houston et al (U.S.P.N. 5,894,014).

With respect to claims 14, and 20, the Faddis reference and the Spence reference both fail to disclose that the chamber is releasably mountable in the

Art Unit: 1744

sterilization device and the chamber is provided with a pair of integrally formed tracks, in which a sealing chamber door may be slidably mounted. However, the Houston reference teaches that the chamber (12) is releasably mountable (12 is fastened or secured to 28) in the sterilization device (10) and the chamber (12) is provided with a pair of integrally formed tracks (36), in which a sealing chamber door (30) may be slidably mounted (col.2, lines 62-65). Thus, it would have been obvious to one having ordinary skill in the art to modify the chamber of the Faddis reference to include a pair of integrally formed tracks in order to provide for vertical travel of the sealing chamber door as disclosed by the Houston reference (col.2, lines 64-65).

Response to Arguments

11. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Houston et al reference (U.S.P.N. 5,249,392) discloses a releasably fastened chamber within an autoclave sterilization device. The Martens et al reference (U.S.P.N. 5,603,895) and the Nichols reference (U.S.P.N. 4,617,178) teach the importance of including polymeric material in the manufacturing of chambers. The Langford reference (U.S.P.N. 5,443,801) teaches a sterilization chamber that is capable of withstanding high pressure and being releasably fastened to the sterilization device.

Art Unit: 1744

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R. CHORBAJI whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 6:30-3:00.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN KIM can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monzer R. Chorbaji *MRC*
Patent Examiner
AU 1744
07/07/2005

John Kim
JOHN KIM
SUPERVISORY PATENT EXAMINER